

EX PARTE OR LATE FILED

**From:** Sandra Clark <foreverwildfree@vegetarianz.com>  
**To:** Commissioner Gloria Tristani <gtristan@fcc.gov>  
**Date:** Wed, Jul 26, 2000 4:20 AM  
**Subject:** Reject AOL-Time Warner Merger

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AUG 10 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Ms. Tristani:

I urge you to reject the proposed merger of AOL and Time Warner.

The world's media corporations are already among the most powerful and influential businesses that ever existed. Allowing one giant corporation to couple Internet content delivery with Internet access is a potential threat to our freedom.

Over half of all Internet users in the United States subscribe to AOL. Time Warner, already the world's largest media corporation, provides cable service to one-fifth of all cable users. Time Warner's plan to buy controlling interests in EMI will bring over half of all the world's record labels under their control.

This is too much power and influence to be controlled by one corporation. The merger threatens to turn the Internet, which was created at public expense, into a privately controlled commercial enterprise.

The mass media and major news outlets are under the control of a handful of powerful corporate giants. The public is woefully uninformed about the threat posed by their growing influence.

As our agents you are expected to preserve competition, promote diversity and assure the public's unfettered access to free and open communication.

Please don't allow AOL to purchase Time Warner.

Sincerely,

Sandra K. Clark  
3729 Glendon Ave., #4  
Los Angeles, CA 90034

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EX PARTE OR LATE FILED

**From:** Tom Barich <tbarich@mindspring.com>  
**To:** <gtristan@fcc.gov>  
**Date:** Thu, Jul 27, 2000 8:09 AM  
**Subject:** AOL - Time Warner Merger

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00-30

AUG 1 9 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Commissioner Tristani,

Allowing one company to control both distribution and content on the scale of the proposed AOL - Time Warner Merger would be an enormous disservice to consumers. Both AOL and Time Warner have demonstrated their willingness and ability to wield their individual resources to the detriment of consumers. Therefore, I strongly urge you to oppose the merger.

Thomas E. Barich  
600 Turnstone Trace  
New Smyrna Beach, FL 32168

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EX PARTE OR LATE FILED

**From:** Jim Gneicko <ctchem@att.net>  
**To:** <gtristan@fcc.gov>  
**Date:** Thu, Jul 27, 2000 1:54 PM  
**Subject:** Comments from Commissioner Tristani's Homepage

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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Jim Gneicko (ctchem@att.net) writes:

Dear Commissioner Tristani,

I understand that the FCC is currently reviewing the AOL-TimeWarner merger. I would like to go on record opposing this merger because I believe it will restrict access and services even further than they are currently..

The first problem occurred when we had utility services installed. Apparently, in our area the utility companies share the cost of digging the trench for underground services. Because Time Warner refuses to share these costs they would not lay the cable into our development.

When my neighbor and I contacted Time Warner who has the monopoly to distribute cable services in this area, Time Warner informed us that we would glad to provide us cable service if we would each pay the \$20,000 to have a trench dug and the cable installed. Needless to say we opted for the small satellite dish.

More recently Time Warner has been advertising cable modem service in our area so I revisited the topic with Time Warner. This time I was told that a Federal Law prohibits them from string wire over an Interstate highway so they must place the cables under the highway.

Again, Time Warner agreed to provide me cable service as long as I paid the cost of running the cable under the highway.

Finally ,Time Warner already has numerous agreements in place with various town governments giving them exclusive rights to distribute cable services. With these agreements in place, there is no competition or incentive for Time Warner to provide us and others with services. This situation will only become worse if AOL and Time Warner are allowed to merge because the newly formed company will probably focus its resources lowering costs rather than improving services.

Sincerely,  
J. Gneicko

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Server protocol: HTTP/1.0  
Remote host: 63.17.108.12  
Remote IP address: 63.17.108.12

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**From:** Marti Staszak <Sta04@aol.com>  
**To:** <gtristan@fcc.gov>  
**Date:** Thu, Jul 27, 2000 2:09 PM  
**Subject:** Comments from Commissioner Tristani's Homepage

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Marti Staszak (Sta04@aol.com) writes:

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

RE: AOL and Instant Messaging

As a member of AOL and a user of the AOL Instant Messaging function, I take issue with industry competitors' attempts to "break in" to the AOL servers in order to give their users access to the AOL membership for Instant Messaging.

I DO NOT want non-AOL users to be able to send me instant messages. Since AOL has stopped blocking outside systems, I get a MINIMUM of 5 non-AOL IM requests per hour online from unknown parties with screen names that generally have a sexual aspect. I do not want to have to continually interrupt my online session to say "No" to these unsolicited attempts. This is the worst kind of SPAM. I have been very grateful that AOL was blocking outsiders from their systems and I am EXTREMELY UPSET that these IM requests are getting through now.

I will be very angry if the Commission does anything to increase this problem.

Marti Staszak

Menomonee Falls, WI

(262) 255-2769 (evening)

(414) 299-1548 (office)

-----  
Server protocol: HTTP/1.0

Remote host: 63.76.139.65

Remote IP address: 63.76.139.65

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**From:** Thomas H. Nutter <tnutter@columbus.rr.com>  
**To:** <gtristan@fcc.gov>  
**Date:** Thu, Jul 27, 2000 4:57 PM  
**Subject:** Comments from Commissioner Tristani's Homepage

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Thomas H. Nutter (tnutter@columbus.rr.com) writes:

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

I just watched a part of the AOL/Warner event today on TV. I couldn't help but think that the reason I cannot get Fox News Channel on my local Warner Cable outlet is that WARNER DOES NOT WANT ME TO SEE FOX NEWS--it competes with CNN. So, I am very concerned about Warner's ability to select the channels I see.

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Server protocol: HTTP/1.1  
Remote host: 24.26.130.229  
Remote IP address: 24.26.130.229

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EX PARTE OR LATE FILED

**From:** Brett Harwood <Brett.Harwood@aol.com>  
**To:** <gtristan@fcc.gov>  
**Date:** Thu, Jul 27, 2000 7:06 PM  
**Subject:** Comments from Commissioner Tristani's Homepage

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Brett Harwood (Brett.Harwood@aol.com) writes:

I support the merger of Time Warner and AOL. It is in the best interests of the growth of the internet in the Us and around the world. Please support the merger. Brett Harwood

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Server protocol: HTTP/1.0  
Remote host: 152.163.197.196  
Remote IP address: 152.163.197.196

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EX PARTE OR LATE FILED

**From:** James Roberts <JsRoberts@JsRoberts.com>  
**To:** <gtristan@fcc.gov>  
**Date:** Fri, Jul 28, 2000 12:34 AM  
**Subject:** Comments from Commissioner Tristani's Homepage

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

James Roberts (JsRoberts@JsRoberts.com) writes:

I am now listening to your remarks on C-span---recorded earlier---regarding the AOL-TimeWarner merger, and specifically your questions regarding instant messaging. Your lack of understanding and ignorance of the subject is just astounding. You are a Federal Communications Commissioner. The point of the matter is not whether AOL's instant messaging system is free, but rather that AOL has repeatedly blocked their users--and users of the other instant messaging services---from communicating with each other. Their own users are mad as hell that AOL has made the most ridiculous of excuses why they block all efforts to allow this intercommunication. Finally, I am very worried that people like you, who admitt openly how "ignorant" you are of this most basic of technnologies, are the ones responsible for passing judgement on such important issues. You are so obviously confused by the most fundamental aspects of this form of communication that you should be embarrassed. It just! makes sick.

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Server protocol: HTTP/1.1  
Remote host: 207.182.231.123  
Remote IP address: 207.182.231.123

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**From:** margaret a rogers <mr1937@juno.com>  
**To:** <GTRISTAN@FCC.GOV>  
**Date:** Fri, Jul 28, 2000 1:02 AM

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00-30

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

I LIVE IN A VERY SMALL COMMUNITY AND WE HAVE NO NATIONAL ISP. I FEEL THAT THE FCC NEEDS TO PROTECT PEOPLE IN SMALL COMMUNITIES SO THEY CAN HAVE LOCAL ACESS NUMBERS TO THE LARGE ISP. THE SMALL ISP THAT ARE IN MANY SMALL COMMUNITIES ARE INADEQUATE AND CANNOT BE USED ANYWHERE BUT THESE SMALL AREAS. THIS IS A PENALTY FOR PEOPLE WHO TRAVEL OUTSIDE OF THESE AREAS AND HAVE NO ACESS TO THE INTERNET. I HAVE TO PAY 10 CENTS A MINUTE TO USE AOL, BECAUSE THERE IS NO LOCAL ACESS, CONTRAY TO WHAT THE AOL CEO TESTIFIED TO YOU TODAY. HE SAID AOL WAS AVAILABLE ALL OVER THE COUNTRY. ONLY IF YOU USE THEIR 800 NUMBER AND PAY THEM 10 CENTS A MINUTE. I HAVE DONE LOTS OF REASEARCH INTO THIS PROBLEM AND I WILL BE HAPPY TO TALK WITH YOU OR EMAIL YOU ANYTIME YOU WISH. MARGARET ROGERS  
MR1937@JUNO.COM

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EX PARTE OR LATE FILED

**From:** <SkyO@aol.com>  
**To:** <gtristan@fcc.gov>  
**Date:** Fri, Jul 28, 2000 1:32 AM  
**Subject:** Preparation for hearing

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

00-30

Madame Tristani:

I just had the opportunity to view the initial presentations and discussions re TWX/AOL on Cspan2. In the interest of honesty, I am in favor of the merger...in no small measure due to being a very satisfied customer of both companies. That said, I was literally shocked and embarrassed by your admission that you were not familiar with "instant messaging" as a service and that you would have to "look into it". Similarly, you were unaware of the free access to this service via AOL.com. Given your position as an FCC commissioner and the prior visibility of this topic, how is it possible that you have not invested the time and effort to become very, very familiar with this issue? Waving a four page email as the basis for your concern...good grief.

Presumably, the commission is dealing with public policy. As such, should it not be the public's expectation to believe that its commissioners educate and prepare themselves in order to engage in a meaningful dialogue and to make "informed" decisions. Your comments certainly eroded this viewers confidence regardless of the commission's final decision.

Given that this email will undoubtedly be read only by a staffer, so be it.

I would like to believe that you were spending your time more productively examining the facts and issues critical to the case before you.

Final comment...I am a 54 year adult with children, 10 and 12, and parents, 79 and 87. All of us are familiar with and/or use "instant messaging". In our experience, there is neither a generational barrier to, nor a generational advantage to understanding this issue. Madam, shame on you.

Respectfully...to your office,

Schuyler Olson

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**From:** <Chey531mc@cs.com>  
**To:** <gtristan@fcc.gov>  
**Date:** Fri, Jul 28, 2000 7:25 AM  
**Subject:** Comments from Commissioner Tristani's Homepage

FEDERAL COMMUNICATIONS COMMISSION  
DIVISION OF THE SECRETARY

(Chey531mc@cs.com) writes:

Good morning. I spent this morning watching the hearings on the proposed merger of AOL/TW on Cspan 2. After reading your bio, I'm at a loss as to your professed ignorance of the so called "internet revolution." I also take umbrage to your remark about other individuals of "my Generation" being somewhat ignorant of the use of computers and the internet. I am an eighth grade educated, born in 1944 life long republican that has mastered the computer, the Internet, a small business, and all their environs.

It's should be easy, even for an overly educated life long democrat like yourself.

I'm a market driven individual, If I want take of advantage of any given situation; I Use all the resources available to educate myself in a way that allows me to become involved in that situation.

The general public, I think is tied of being "protected" by the likes of your comission. Let the market drive this internet revolution.

I might add; I have recently gone through the process of acquiring a radion license from the FCC. It was, without a doubt the most painful, frustrating, degrading, expensive, time consuming project in my life I have undertaken to date.

Please stay out of the internet and let the market drive it.

Most of us of "your generation" are more than capable of taking care of ourselves. If you haven't taken the time to educate yourself as to the useage and full benefits of the internet revolution, shame on you, but don't drag the rest of us down to your level of ignorance. Thank you very much!

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Server protocol: HTTP/1.0  
Remote host: 152.163.201.84  
Remote IP address: 152.163.201.84

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**From:** Leif Soderlund <lkskorea@hotmail.com>  
**To:** <gtristan@fcc.gov>  
**Date:** Fri, Jul 28, 2000 7:43 AM  
**Subject:** Comments from Commissioner Tristani's Homepage

AUG 1 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Leif Soderlund (lkskorea@hotmail.com) writes:

I just got done watching the rerun of Thursdays hearings. I would like to point out something that didn't seem to come up. Steve Case tried to make it sound like he has offered instant messaging technology to everyone free of charge. Although I cannot dispute this I would like to point out that he is hiding some key details in what has happened recently concerning his software. IM (instant messenger) is a great product. I would like to thank steve for allowing non AOL users access. Instant messaging has allowed me to communicate in real time to friends and family while I was in Korea. I would just like to bring up one fact that occurred a few months back when the instant messaging wars were going on between microsoft and AOL. Microsoft developed a client program that was able to interact with the AOL instant messaging service allowing people using microsoft's messenger to see buddies that were online using AOL's IM. Within days AOL modified its messaging service to break this feature in Microsoft's program. That tactic amazed me. I expected it from Microsoft but not AOL. Instant messenger was really stable until these wars began. Then the service took a dive. Users were punished because AOL wanted to maintain its messaging monopoly. My friends and I noticed frequent disconnections which we believe are a direct result of these messaging wars. I ask you to be very careful before being wooed by AOL. AOL's most recent browser version 5.0 makes it so users have no option of getting on the internet any other way. They are required to use the AOL browser. There is a joke on the internet among the web savvy that AOL users are ignorant. In many cases they are laughed at because they do not know how to navigate around on the web. I have heard many times people think that the way to get around is by just clicking on the links that appear on the AOL portal pages. AOL carefully selects the information that it conveniently presents for its users. I firmly believe that AOL has received much of its market share by trying to

make the internet seem like a complicated scary and dangerous place. It is reminiscent of futility England when the King promised to protect. It should also be known that a class action suit was filed by many angry AOL users that upgraded and then realized their access to the internet had been taken over by AOL. AOL contends that the users had clicked ok on a check box that asked if they wanted to make AOL the default browser. I don't know about you but most people don't read those they just click ok. AOL didn't have a way to restore the settings back to allow a different browser to access the internet. Needless to say AOL users were upset. They felt tricked. Do me a favor and ask Steve about the messaging wars. Ask him if he thought about the consumers that he inconvenienced when he blocked Microsoft. This merger could have potential benefits. Demand that AOL attempt to educate its users about the internet and how to use it. This will empower 20 million people that are currently

being laughed at. I have a feeling

that Steve will be upset by my last comment. If he disputes this just read a little on a few message boards like [www.slashdot.org](http://www.slashdot.org). Chances are you will find someone making fun of AOL within 5 minutes. I do not know of a single person that once shown the options chooses to remain with AOL. That is why you will never see AOL try to educate its users about how to use the internet.

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Server protocol: HTTP/1.1  
Remote host: 63.228.42.133  
Remote IP address: 63.228.42.133

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**From:** FNicholas <faithann@bignet.net>  
**To:** <gtristan@fcc.gov>  
**Date:** Fri, Jul 28, 2000 11:14 AM  
**Subject:** Aol-TWX Merger

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

After watching the hearings yesterday, I was very upset with the attitude of some of the commissioners, especially you. How can you treat AOL and TWX as though they are guilty of the things you are saying they MIGHT do?? If someone betters themselves by buying a bigger, more expensive car, do you say "Oh, I really don't think I should let you drive that car because I worry that you MIGHT go too fast with all that horsepower. I will put big restrictions on you so you can only drive it on your block, not in the whole city." You are pre-judging the actions of two of the best and fairest companies and that is NOT fair! The idea that Disney, NBC, etc. object to this deal is laughable--you can BET that if they had come up with a deal like this first, you would never had heard a word from them about unfair competition. If this merger tried to exclude others from participating, you would have what Mr. Case told you--customers would leave them to seek a bigger variety of choices. Let free enterprise be FREE and let the market compete as it was meant to do!!

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**From:** Gerald Bieringer <gbieringer@excite.com>  
**To:** <gtristan@fcc.gov>  
**Date:** Fri, Jul 28, 2000 9:56 PM  
**Subject:** Comments from Commissioner Tristani's Homepage

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Gerald Bieringer (gbieringer@excite.com) writes:

Read about your concerns over the AOL Time Warner merger. Want to say I agree. From my past experience with AOL nothing they say or do can be trusted. In addition they and several software and service companies in the high tech area have adopted a practice that is nothing but high tech wire tapping. Invasion of privacy at its highest. They are probably getting around it by saying they tell people that they are doing it in their licensing or policy statements.

Having read these it is difficult for the computer literate to translate these legal documents much less the general public. Even for those that understand, these products are almost a necessity for using the Internet effectively. The business practices these companies are using is extorting the user to allow them to track his every move else he/she loose most of the internet's effectiveness. See below quoted material: Only have info on application that tracks and reports every where you go and everything you do while browsing.

Thanks

Gerry B.

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Server protocol: HTTP/1.0  
Remote host: 216.53.222.3  
Remote IP address: 216.53.222.3

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**From:** <Nitrameerb2@aol.com>  
**To:** <gtristan@fcc.gov>  
**Date:** Sat, Jul 29, 2000 2:21 PM  
**Subject:** Aol/ Time Warner

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

this merger is legal and to the benefit of the U.S. economy, and the public.

HOW the us GOVT COULD PERMIT THE OUTRAGEOUSN RECENT MERGERS OF OIL COS.  
WHICH ICREATED A REAL LONG TERM DANGER TO THE US ECONOMY & IS NATL SECURITY  
MATTER.....REMEMBER ORIG ANTI TRUST CASES IN US WAS BREAKUP OF "BIG OIL" .  
& NOW GOVT HAS TO TAKE SIDES OF COS SUCH AS DISNEY WHICH JUST CANT COMPETE  
IS OUTRAGEOUS.. COMPANIES LIKE AOL & TIME WARNER EMPOWER THE PEOPLE OF THIS  
COUNTRY AND THE WORLD, SOMETHING GOVT S DONT LIKE

YOUR COMMENTS ARE WELCOME . PLease refer me to source indicating the benefits  
of the oil merger to US Public??

Thank you

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EX PARTE OR LATE FILED

**From:** Michael Callahan <luvgov@yahoo.com>  
**To:** Commissioner Gloria Tristani <gtristan@fcc.gov>  
**Date:** Sun, Jul 30, 2000 4:46 AM  
**Subject:** Reject AOL-Time Warner Merger

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AUG 1 0 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Ms. Tristani:

I urge you to reject the proposed merger of AOL and Time Warner.

The world's media corporations are already among the most powerful and influential businesses that ever existed. Allowing one giant corporation to couple Internet content delivery with Internet access is a potential threat to our freedom.

Over half of all Internet users in the United States subscribe to AOL. Time Warner, already the world's largest media corporation, provides cable service to one-fifth of all cable users. Time Warner's plan to buy controlling interests in EMI will bring over half of all the world's record labels under their control.

This is too much power and influence to be controlled by one corporation. The merger threatens to turn the Internet, which was created at public expense, into a privately controlled commercial enterprise.

The mass media and major news outlets are under the control of a handful of powerful corporate giants. The public is woefully uninformed about the threat posed by their growing influence.

As our agents you are expected to preserve competition, promote diversity and assure the public's unfettered access to free and open communication.

Please don't allow AOL to purchase Time Warner.

Sincerely,

Michael Callahan  
San Anselmo, California  
94960

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**From:** William T. Washington <teewashington@home.com>  
**To:** <gtristan@fcc.gov>  
**Date:** Sun, Jul 30, 2000 11:59 AM  
**Subject:** Comments from Commissioner Tristani's Homepage

AUG 1 2000

00-30

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

William T. Washington (teewashington@home.com) writes:

Just wanted to thank you and Commissioner Powell for what I thought was a job well done during the AOL/Time Warner Hearings. AOL is a piece of junk and most of us out here know that. As one of the gentlemen stated it is the sandbox that we all start in and then move on. I am a telecom lawyer and I had to write them a nasty letter just to stop them from billing me when I cancelled. Please keep up the good work.

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Server protocol: HTTP/1.0  
Remote host: 24.4.252.21  
Remote IP address: 24.4.252.21

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00-30

**From:** Ann Riley <annriley@dublin.com>  
**To:** Commissioner Gloria Tristani <gtristan@fcc.gov>  
**Date:** Mon, Jul 31, 2000 7:25 AM  
**Subject:** Reject AOL-Time Warner Merger

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Sincerely,

Ann Riley

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EX PARTE OR LATE FILED

**From:** Matthew Rammelkamp <govegan@themail.com>  
**To:** Commissioner Gloria Tristani <gtristan@fcc.gov>  
**Date:** Mon, Jul 31, 2000 7:25 AM  
**Subject:** Reject AOL-Time Warner Merger

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Please don't allow AOL to purchase Time Warner.

Sincerely,

Matthew Rammelkamp

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**From:** Jessie Ortiz <ortizjessie@yahoo.com>  
**To:** Commissioner Gloria Tristani <gtristan@fcc.gov>  
**Date:** Mon, Jul 31, 2000 7:25 AM  
**Subject:** Reject AOL-Time Warner Merger

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Sincerely,

Jessie Ortiz

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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**From:** <arlo@asis.com>  
**To:** Commissioner Gloria Tristani <gtristan@fcc.gov>  
**Date:** Mon, Jul 31, 2000 1:19 PM  
**Subject:** Reject AOL-Time Warner Merger

EX PARTE OR LATE FILED

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RECEIVED

AUG 1 6 2000

Dear Ms. Tristani:

I urge you to reject the proposed merger of AOL and Time Warner.

The world's media corporations are already among the most powerful and influential businesses that ever existed. Allowing one giant corporation to couple Internet content delivery with Internet access is a potential threat to our freedom.

Over half of all Internet users in the United States subscribe to AOL. Time Warner, already the world's largest media corporation, provides cable service to one-fifth of all cable users. Time Warner's plan to buy controlling interests in EMI will bring over half of all the world's record labels under their control.

This is too much power and influence to be controlled by one corporation. The merger threatens to turn the Internet, which was created at public expense, into a privately controlled commercial enterprise.

The mass media and major news outlets are under the control of a handful of powerful corporate giants. The public is woefully uninformed about the threat posed by their growing influence.

As our agents you are expected to preserve competition, promote diversity and assure the public's unfettered access to free and open communication.

Please don't allow AOL to purchase Time Warner.

Sincerely,

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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List ABCDE

**From:** Kelly Jackson <kmjacks@umich.edu>  
**To:** Commissioner Gloria Tristani <gtristan@fcc.gov>  
**Date:** Tue, Aug 1, 2000 3:31 AM  
**Subject:** Reject AOL-Time Warner Merger

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Dear Ms. Tristani:

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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Sincerely,

Kelly M. Jackson  
1600 Naylor  
West Bloomfield  
MI, 48324

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EX PARTE OR LATE FILED

**From:** "K. Danowski" <silver\_kd@yahoo.com>  
**To:** Commissioner Gloria Tristani <gtristan@fcc.gov>  
**Date:** Tue, Aug 1, 2000 6:08 PM  
**Subject:** Reject AOL-Time Warner Merger

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OFFICE OF THE SECRETARY

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Please don't allow AOL to purchase Time Warner.

Sincerely,

K. Danowski  
2400 Waterview Pkwy #622  
Richardson, TX 75080-2261

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**From:** Timothy Lafler <timothy@denali.com>  
**To:** Commissioner Gloria Tristani <gtristan@fcc.gov>  
**Date:** Wed, Aug 2, 2000 5:12 PM  
**Subject:** Reject AOL-Time Warner Merger

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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Please don't allow AOL to purchase Time Warner.

Sincerely,

Timothy Lafler  
120 NW 10th Drive  
Mulberry, FL 33860

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**From:** Mary Dorsey <twetyntaz@msn.com>  
**To:** Commissioner Gloria Tristani <gtristan@fcc.gov>  
**Date:** Sun, Aug 6, 2000 7:28 AM  
**Subject:** Reject AOL-Time Warner Merger

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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Please don't allow AOL to purchase Time Warner.

Sincerely,

Mary Dorsey

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**From:** "Frank Vogel" <fvogel@suffolk.lib.ny.us>  
**To:** <bkennard@fcc.gov>  
**Date:** Fri, Jul 28, 2000 11:12 AM  
**Subject:** AOL, Time Warner

AUG 1 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Please recommend to the FTC that they disallow the proposed AOL-TIME Warner merger. Don't believe any of Steve Case's promises. AOL is a ruthlessly aggressive company that takes no prisoners in its galloping greed and its hunger for more power. Look to the class action suits pending against them - in particular, I direct your attention to one that not only accuses AOL of blocking users' access to the internet but also of reconfiguring Windows operating systems by overwriting and deleting files, and overwriting users' versions of Internet Explorer. This occurred in late 1999, after AOL implied that users needed to upgrade to AOL 5.0 in order to be "Y2K compliant." This was patently false. AOL, knowing that it was a bad upgrade, continued to vigorously promote it and later "fixed" their Trojan Horse by quietly changing it and calling it the NEW AOL 5.0. - without ever acknowledging the damage they had done. AOL speaks with a forked tongue. On the one hand, they lure new users in with the promise of how easy they make it for computer neophytes to get on the internet. Then they tell you that you needed to know how to make "choices" during installation in order to avoid the land mines they set. If the FTC approves this merger, they will be giving away the store. And in this case, the store is freedom of communication for the American people.

**CC:** <sness@fcc.gov>, <hfurchtg@fcc.gov>, <mpowell@fcc.gov>, <gtristan@fcc.gov>

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EX PARTE OR LATE FILED 00-30

**From:** <PFanc14235@aol.com>  
**To:** <bkennard@fcc.gov>, <sness@fcc.gov>, <hfurchtg@fcc.gov>, <mpowell@fcc.gov>, <gtristan@fcc.gov>  
**Date:** Fri, Jul 28, 2000 9:14 AM  
**Subject:** AOL/Time Warner

My background is 25 years in legislative affairs and I realize the complexity of the situations that come before you.

I watched the hearings yesterday on C-Span and was reminded once again of how the thinking of individuals has changed regarding commerce. We have people flooding the internet with outrage that they cannot "steal" music for their pleasure. They give no thought in this "me, me" world to the artists' involvement in this.

Now we have companies wanting access to technologies of other companies. What involvement did other internet providers have in the development of this technology? It isn't as though AOL had discovered a cure for cancer.....

This type of argument by Disney and others is not any different from the teen's who want to steal music.

FYI, I am a stockholder in AOL, Disney and Earthlink but right is right.

Please think of the ramifications of your judgments. Precedent is forever.

Sincerely,

Mrs. Pat Fancher

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FEDERAL COMMUNICATIONS COMMISSION  
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**From:** "Pete Weaver" <pete@bedford.net>  
**To:** <bkennard@fcc.gov>  
**Date:** Thu, Jul 27, 2000 12:31 PM  
**Subject:** Block AOL-Time-Warner

Mr. Chairman:

I urge you and the other Commissioners to disallow the AOL-Time-Warner merger as a dangerous monopoly on information, entertainment, news and media.

Respectfully,

Pete Weaver  
301 East Penn Street  
Bedford, PA 15522  
Fax/Phone 814-623-9457

**CC:** <mpowell@fcc.gov>, <hfurchtg@fcc.gov>, <sness@fcc.gov>, <gtristan@fcc.gov>

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**From:** "Frank Vogel" <fvogel@suffolk.lib.ny.us>  
**To:** <bkennard@fcc.gov>  
**Date:** Thu, Jul 13, 2000 10:17 AM  
**Subject:** AOL-Time Warner

AUG 10 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Please DO NOT approve the proposed AOL-Time Warner merger. I believe that it would dangerously compromise freedom of communication and have other deletrious effects on consumers. AOL is a ruthlessly aggressive company that is the target of several class-action suits, including one that accuses AOL of damaging operating systems with their initial 5.0 upgrade by deleting files from the Windows registry and interfering with access to the internet in several ways. The most recent suit I know of alleges that AOL spies on its users by tracking the web sites they access via Netscape. In addition, AOL does not let users access their own e-mail until they have entered a response to the unending ads AOL places on their Welcome screen. AOL's power should be cut back, not enhanced by a monumental merger. The public counts on your agency to protect us from those who would limit our access to communication. Please protect us from the combined clout of Time Warner and AOL.

**CC:** <gtristan@fcc.gov>

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ORIGINAL

EX PARTE OR LATE FILED

**From:** "dan herrmann" <dhermann@chesco.com>  
**To:** <bkennard@fcc.gov>, <sness@fcc.gov>, <hfurchtg@fcc.gov>, <mpowell@fcc.gov>, <gtristan@fcc.gov> *00-30*  
**Date:** Mon, Aug 7, 2000 8:32 PM  
**Subject:** CBS Television: Big Brother violating community standards for pornography

Copy of mail sent to CBS:

Your TV show Big Brother should be immediatly cancelled. Your show tonight was crude, ugly, and something better reserved for morning radio.

As of now, I refuse to allow KYW-TV programming into my home. This ban shall continue until you rectify your sophomoric programming.

Doesn't the FCC regulate pornography such as this garbage?

I will also complain to the network (your owners), the FCC, and my congressmen.

I'll be sad to leave your station as a viewer. My family had just switched to Channel 3 news, but it's back to WPVI.

Grow up.  
Sincerely,  
Mr. Daniel J Herrmann  
717 Jacques Circle  
Chester Springs, PA 19425  
610-458-9849

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**From:** "Brian Shellhaas" <brian@phintech.com>  
**To:** <bkennard@fcc.gov>  
**Date:** Tue, Aug 1, 2000 1:50 PM  
**Subject:** AOL/Time Warner

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00-30

FEDERAL COMMUNICATIONS COMMISSION  
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Dear Chairman Kennard:

I am writing to you today to express my concerns regarding the merger of AOL and Time Warner.

I currently subscribe to Time Warner for cable access, and have in the past been an AOL user as well. I find the concept of a merger between these two companies rather frightening. I must admit that my experience with both companies has left me wanting at best (Time Warner) and sent me running to a competitor at worst (AOL). The idea that the two combined can provide me, the consumer who they continually boast would be better served, with anything other than more of what I have already experienced is rather difficult for me to believe.

I have invested much time in following the progression of this proposed merger, culminating in the appearance of Steve Case and Gerald Levin before the FCC recently. It was this recent appearance that has motivated me to voice my opinion. Regardless of what Mr. Case may wish to believe, AOL's actions in the instant messaging market have been predatory and exclusionary. The company's acquisition of the free ICQ messaging software, as well as the farce that was the "open" instant messaging system has left myself and many other consumers wondering who, exactly, is the AOL IM market open to? Certainly not Yahoo, or Microsoft chat users. This, along with the second class action suit which I believe is still pending against AOL, leaves me thinking "Yeah, Right!" whenever Steve Case poses himself and AOL as a proponent of consumer choice and innovation. A choice in AOL rate plans, at most, is what I see in his words.

My unease with Time Warner is admittedly not as strong. It was recent when Time Warner assumed cable service in my area from Media One. I lost a few channels, lost the last shred of tolerable customer service, and paid a few extra dollars a month for the privilege. Luckily there is still Direct TV in my future. I do applaud Time Warner's recent announcement regarding their alliance with Juno. I think it's a step in the right direction! I am left wondering, however, why must AOL own the "pipe", instead of taking a Juno-style approach? I doubt that I really want to know the answer to that.

Thanks very much for allowing me the time to express myself. With all of the pro-consumer banter that I am sure that you have heard on both sides of this issue, I thought you might find it interesting to hear what one of those consumers had on his mind. Thanks again.

Sincerely,

Brian K Shellhaas  
Dayton, Ohio

**CC:** <sness@fcc.gov>, <hfurchtg@fcc.gov>, <mpowell@fcc.gov>, <gtristan@fcc.gov>

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**From:** Kim Campbell <kampbell@flash.net>  
**To:** <bkennard@fcc.gov>, <sness@fcc.gov>, <hfurchtg@fcc.gov>, <mpowell@fcc.gov>, <gtristan@fcc.gov> 00-30  
**Date:** Sun, Jul 30, 2000 11:57 PM  
**Subject:** Broadband Internet access

As an internet user, I am opposed to the initiatives being undertaken by AT&T and the Bell Telcos to limit competition and thereby restrict internet access. Inasmuch as broad band internet access is most likely the standard of the future, it seems unfair for these large coporations to be able to conduct themselves in such a manner as to drive smaller ISP's from the market. It is the small independent ISP that has driven the interet market resulting in the rapid changes and improvements to the internet over the last decade. Please consider these comments in regard to any future determinations you may be called upon to make concerning the internet.

Mr. Kim Campbell

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**From:** "J. Payne" <JCPayne@MediaOne.net>  
**To:** <gtristan@fcc.gov>  
**Date:** Mon, Jul 10, 2000 7:28 PM  
**Subject:** If the AOL-TW merger is even allowed. I would like to voice support to open IM standards

00-38

Dear Ms. Commissioner Gloria Tristani,

I have recently heard there will be a hearing on the AOL-Time Warner merger proposal on July the 24th. I would like to voice my opinion that; should any legislation come through on denying the deal. I would like to ask you to consider voting "yes" for a denial of the merger, here is why.

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FEDERAL COMMUNICATIONS COMMISSION  
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Instant Messaging (IM) interoperability is vital to continuing the evolution of communication on the Web. Instant messaging is one of the fastest growing, most popular communication technologies, which many believe may eventually replace email. Instant messaging *\*should\** function like electronic mail: E-mail users are able to communicate across all systems and lines, REGARDLESS of service provider.

America Online should make its IM service interpretable with others, so that all instant messaging products on the Web work with one another.

I propose that FCC/FTC approval for the AOL/Time Warner merger should be contingent on AOL making Instant Messaging open and interpretable. Because AOL has said on *\*more\** occasions then once it is for consumer choice. It tells government officials continually, that it *\*will\** allow other providers to use it's

cable network for the right to merge. I simply ask myself, If AOL is soo much "for the consumer's choice"? Then why don't they provide open access to Instant Messaging? It has said it will commit to working with the Internet Task Force on coming up with a standard protocol so all of the Instant Messengers can in fact

communicate. It has waited a year and made no little to no progress... Soo much so that

the Internet Task Force decided to throw out AOL's deal ( for them to be considered as the standard and only.

Once the FCC asked them about it. They rushed again to work with the Internet Task Force for a few days and once again, no word is mentioned about

progress being made. AOL is FULL of broken promises and I don't think allowing it to merge with Time Warner will be anymore beneficial to us consumers. I ask you this; mergers usually happen because of intense competition. But who? is going to merge to challenge this company? The closets merger possible would be Yahoo buying out Fox's network. Perhaps buying out a record company, and a whole slue of other TV / Magazine companies needed to be an equal conglomerate.

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AOL has said itself what it would own after this merger. Think about how many of these things you use. And now consider how much AOL could learn about you either

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monitoring what you watch on TV, subscribe to. Or even fabricate a news story and push it through all of these mediums until it becomes true.

--

AOL & Time Warner Will Merge To Create World's First Internet-Age Media & Communications Company:

[http://media.web.aol.com/media/press\\_view.cfm?release\\_num=15100390&title=AOL%20%26%20Time%20Warner%20Will%20Merge%20To%20Create%20World%27s%20First%20Internet%20Age%20Media%20%26%20Communications%20Company](http://media.web.aol.com/media/press_view.cfm?release_num=15100390&title=AOL%20%26%20Time%20Warner%20Will%20Merge%20To%20Create%20World%27s%20First%20Internet%20Age%20Media%20%26%20Communications%20Company)  
[ . . ]

By merging the world's leading Internet and media companies, AOL Time Warner will be uniquely positioned to speed the development of the interactive medium and the growth of all its businesses. The new company will provide an important new broadband distribution platform for America Online's interactive services and drive subscriber growth through cross-marketing with Time Warner's pre-eminent brands.

AOL Time Warner's brands will include; (But is not limited to.)

AOL [Internet Company],  
Time [Magazine],  
CNN[24/7 News channel],  
CompuServe[AOL Owned Internet Company],  
Warner Bros.[Cartoons / TV Channel],  
Netscape [Rival to Internet Explorer that AOL Bought],  
Sports Illustrated [Magazine],  
People [Magazine],  
HBO [Pay TV Channel],  
ICQ [ Most popular Instant Message company, AOL them bought out as well. [www.ICQ.com](http://www.ICQ.com)],  
AOL Instant Messenger[Enough said],  
AOL MovieFone [Movie tickets etc. via phone],  
TBS [TV Channel],  
TNT [TV Channel],  
Cartoon Network [TV Channel],  
Digital City [Web site],  
Warner Music Group [One of the largest-mail order music companies] It's like Columbia House or BMG, Plus it's slated to merge with EMI of the UK.  
Spinner [Magazine?],  
Winamp [Computer music player] It's like Real Player or Microsoft Media Player,  
Fortune [Magazine],  
AOL.COM [Ads/ Celeb chat, AOL's main site. Used as marketing as well.],  
Entertainment Weekly [Magazine],  
and Looney Tunes[Cartoons. Would you like tweety bird telling your son / daughter, to buy him/her AOL products?].

In addition to fully integrating its brands into a digital environment and bringing them closer to consumers, AOL Time Warner will have a wealth of creative resources to develop products specifically suited to interactive media.

[ . . ]

--

Tighter together??? Who can compete with all of that if it's all "tightly"

woven in such a way that you don't want to get anyone else??

Not to mention Six Flags (The amusement park.) Well the characters in that park are Warner Brother's Characters. Superman, Looney Toons etc. That all equals even more money for Warner Brother's (Warner Brothers equals Time Warner.) Hence AOL-Time Warner would for the most part, have direct ties to the rights to the almost Amusement park monopoly in the US. Not too many independent amusement parks can last too much longer with Six Flags around...

This all sounds downright anti-competitive to me. Instead of the company hurting a company in one industry they can cross subsidize and hurt companies in many different industries..

Here's why I hold the Instant messenger thing as such an important commitment. I base this on this logic, You can pick up your phone and call anybody in the world, no matter who your telephone service provider is. You can e-mail anyone, no matter which email application you use. Or who your/their service provider is. But you can't send or receive instant messages (IM) to anybody, \*anywhere\*, primarily because AOL won't let the consumer do so there is a need of the government's help in telling AOL, they must satisfy opening it's networks as it promised it would do with it's cable networks. We have all seen what single company monopolies can do when allowed to fester.

Microsoft can attest to that! Microsoft told software makers things like "If you carry any other operating system on any of your other products you'll no longer be able to carry ours."

Note: Even just recently the DOJ ruled that AOL controls more than 90% of the IM market and intentionally blocks communication between people using its AIM service and those using other IM products and services. Simply based on the fact that it holds a virtual monopoly is cause enough! Not to allow it to merge with Time Warner.

When a company is found to hold a monopolistic grasp on an industry, since when would allowing it to grow more then double it's current size help that finding be any better?

In other words I nor you can't IM your AOL friends, and they can't IM you nor I, (Unless you download the AOL product.) Personally this doesn't seem right or very much like, or how the web should be. Dose it?

Suppose you couldn't call home because you didn't have an actual telephone from Verizon Communications (Bell Atlantic) But instead had phone service over your cable line? Just because their different companies doesn't mean they should

remain that way.. I don't have to subscribe to MCI simply to talk to someone who uses them as a calling carrier... I don't have to buy a Sony TV and be only allowed to see certain "Sony" TV channels only.

I don't think AOL should decide who I, nor any other person can and can't instant message. If they do, consumers will suffer, the Web will suffer and innovation in IM technology will suffer. Please help to ensure that IM communication will be open and available to all. Just as it is with the phone and e-mail communications, which you and I use every day.

Joel C. Payne  
107 Chilton St.  
Cambridge MA, 02138  
(617)661.8540

---

The rules of instant messaging need to change  
Check out <http://www.FreeIM.org>

To find out how to make Instant Messaging as wide spread, and open as email service is itself.

---

ORIGINAL

00-36  
EX PARTE OR LATE FILED

**From:** "Ed Chapman" <mail@edchapman.com>  
**Date:** Fri, Jul 28, 2000 6:02 PM  
**Subject:** FW: AOL / TIME WARNER MERGER

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

-----  
**From:** "Ed Chapman" <mail@edchapman.com>  
**To:** bkennard@fcc.gov  
**Subject:** AOL / TIME WARNER MERGER  
**Date:** Fri, Jul 28, 2000, 3:03 PM

Dear Sir:

I have been watching the hearings, broadcast on C-SPAN, on the AOL / Time Warner merger.

Open Access verses the market place is the key issue here. As cable modem technology develops and provides two way communication, "Internet - TV" will ultimately replace the telephone, TV, and the internet as we know it.

Products such as "internet video phones" are currently available. Compatibility with all systems and interconnection around the globe will be come a fundamental issue. Current "Instant Message" technology will be come a thing of the past. Delivery of media content, such as current broadcast TV programming, will play a secondary role to the public. Because of the corporate nature of broadcasting and the financial power that it yields, access by companies such as Disney, on "basic cable" on Time Warner systems, strictly a market share issue.

Set top boxes connected to the internet will provide high speed data, voice and image, communications, instantly around the world. Making sure that this happens in a seamless way should be the focus of the commission.

Predominately discussions at the current hearings revolve around commerce and current financial and market place positioning of Internet Service Provider(s) (ISP), broadcasters, phone companies, and cable operators. The current models of each of these businesses are eroding. All of these technologies are merging to one, whether or not this merger is approved or not. Most of the panels are stating positions to either protect their current market share, or to create an opportunity to enter into a market that some else has built.

Compatibility among systems is an issue. Access by other ISPs and cable providers to allow consumers with some fiscal choice should be "codified". System builders, be that phone companies or cable companies, which have built the pipeline to consumers homes have had a government sanctioned monopoly for years. They will continue to be the ones, despite government regulation, to control access.

I live in Studio City, CA (a major suburb of Los Angeles). I have access to one cable provider, Adelphia, and one phone company (Pacific Bell). My access to the internet is limited to a dial-up connection because it is as

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yet not economically feasible for them (both the cable company and phone company) to "rewire" the area. While I could access the internet by Direct Subscriber Line (DSL) through Flashcom, however, I am told that I am still too far away from the switch realize the high speed, low rate, advertised connection. I am told by all parties that I will have the ability of access by the end of the year, possibly.

Most communities are not willing to have their streets torn up for wiring by multiple systems (yet alone the potential for environmental issues that would be raised). The commission must look at providing economic incentive to existing systems to upgrade and compete.

I envision that most high speed systems that will become available will be a result of mergers between; phone companies, cable providers, ISPs, and content providers. All of these groups are trying to close the "cost" loop. If we as consumers ever had a "choice" in phone or cable providers, I've never seen it. ISPs are the only companies who have provided competition and choice, because they ride essentially on public "right of ways" (phone lines and cable).

The long term view is to look at the actual wiring to consumers homes as public, just like water and utilities. Access to that wiring should be allowed by multiple suppliers (like DSL is currently with the phone company). Cable operators and ISPs would then become no more that "broadcasters" like any "broadcast station" or web site. While band-width is not infinite consumer demand (the market place) will drive the content available.

I thank you for you time.

Sincerely,

Ed Chapman

--

Ed Chapman  
Visual Effects  
Designer / Supervisor  
Post Production Supervisor

Cellular / Voice Mail  
(213)200-9952

Pager  
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**From:** "John J. Wheeler III" <john.wheeler@rccw.com>  
**To:** "bkennard@fcc.gov" <bkennard@fcc.gov>, "sness@fcc.gov" <sness@fcc.gov>, "mpowell@fcc.gov" <mpowell@fcc.gov>, "hfurchtg@fcc.gov" <hfurchtg@fcc.gov>, "gtristan@fcc.gov" <gtristan@fcc.gov>  
**Date:** Fri, Jul 28, 2000 9:42 PM  
**Subject:** AOL - Time Warner Merger Hearing

RECEIVED

AUG 1 2000

Dear Commissioners,

My names is John J. Wheeler III, I'm the Systems Development Supervisor in the department of Information Technology with a medium sized wireless provider in the Midwest. I've been in the Information Technology field for more than 10 years now. I have been using the internet since early in 1994 when gopher services were more prevalent on the internet than http services. Since the time before Netscape Navigator and Internet Explorer, when Spry, Mosaic, and Cello where the major players in internet browsers. I have experienced the tremendous growth, increased access, and phenomenal opportunities on the internet. I have also seen America Online grow from a graphical BBS provider to the ISP they are today.

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

I was watching a portion of the AOL-Time Warner merger hearings on CSPAN-2 last night, 7/27/00. I watched several of the panels including the one with Gerald Levin and Steve Case and the next two panels. I'm writing for two reasons, first I would like to agree with Ms. Dyson's statement where she indicated that the links that AOL places on its homepage is a discriminatory action and stifles competition. Commissioner Powell said that he couldn't believe that it took such a high level of sophistication to enter a URL into a web browser. I don't believe Ms. Dyson's comments were trying to convey this at all. I believe she was saying that a portion of the internet community doesn't know what's available let alone what's possible. My company has done some regional market research and has data to substantiate the claim that some people that use the internet have TWO ISP accounts. One for the email services offered from one vendor and one for the homepage that the other vendor offers. The understanding that either is accessible from one ISP just isn't there yet for some people and groups of users. Mr. Love, I think, was trying to make similar points by indicating that users should have the disclosure from AOL thereby creating the education to allow the users to make choices. This brings me to the second reason for this email, which is my opinion on the merger. I do not believe AOL and Time Warner should be allowed to merge. I think the resulting company will have too much power and control in the marketplace and minimize and even eliminate choice. This control and power will most certainly throttle down the competitive nature of content delivery, narrowband, and broadband access. I have very little knowledge of Time Warner, but I have dealt with the obtuse views of AOL for many years in the technical field. I am currently a student with the University of Phoenix - Online and can attest to Dr. Orton's comments regarding the difficulties that online and distance education programs face when dealing with students who use AOL for their access. I have not done the research to expound on other areas of AOL's shortcomings as a technology provider, but I do know that the software that AOL has their customers' install to gain access to the internet often causes problems with existing applications.

Thank you for taking the time to read my email.

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Sincerely,

John J. Wheeler III